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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 DIANNE SULLIVAN, on behalf of  
11 herself and all others similarly situated,

12 Plaintiff,

13 vs.

14 JARED’S LEADS, INC.,

15 Defendant.

Case No.

**COMPLAINT - CLASS ACTION**

**DEMAND FOR JURY TRIAL**

16  
17 Dianne Sullivan, individually and on behalf of others similarly situated,  
18 alleges the following against Jared’s Leads, Inc. (“Jared’s Leads” or  
19 “Defendant”).

20  
21 **I. NATURE OF ACTION**

22 1. As the Supreme Court has explained, “Americans passionately  
23 disagree about many things. But they are largely united in their disdain for  
24 robocalls. The Federal Government receives a staggering number of complaints  
25 about robocalls—3.7 million complaints in 2019 alone. The States likewise field  
26 a constant barrage of complaints. For nearly 30 years, the people’s  
27 representatives in Congress have been fighting back. As relevant here, the

1 Telephone Consumer Protection Act of 1991, known as the TCPA, generally  
2 prohibits robocalls to cell phones and home phones.” *Barr v. Am. Ass’n of*  
3 *Political Consultants*, 140 S. Ct. 2335, 2343 (2020).

4 2. However, the TCPA doesn’t only restrict robocalls.

5 3. Indeed, the Fourth Circuit has recognized that “Telemarketing calls  
6 are intrusive. A great many people object to these calls, which interfere with their  
7 lives, tie up their phone lines, and cause confusion and disruption on phone  
8 records. Faced with growing public criticism of abusive telephone marketing  
9 practices, Congress enacted the Telephone Consumer Protection Act of 1991.  
10 Pub. L. No. 102-243, 105 Stat. 2394 (1991) (codified at 47 U.S.C. § 227). As  
11 Congress explained, the law was a response to Americans ‘outraged over the  
12 proliferation of intrusive, nuisance calls to their homes from telemarketers’ *id.* §  
13 2(6), and sought to strike a balance between ‘[i]ndividuals’ privacy rights, public  
14 safety interests, and commercial freedoms’ *id.* § 2(9).

15 4. “The law opted for a consumer-driven process that would allow  
16 objecting individuals to prevent unwanted calls to their homes. The result of the  
17 telemarketing regulations was the national Do-Not-Call registry. *See* 47 C.F.R. §  
18 64.1200(c)(2). Within the federal government’s web of indecipherable acronyms  
19 and byzantine programs, the Do-Not-Call registry stands out as a model of  
20 clarity. It means what it says. If a person wishes to no longer receive telephone  
21 solicitations, he can add his number to the list. The TCPA then restricts the  
22 telephone solicitations that can be made to that number. *See id.*; 16 C.F.R. §  
23 310.4(b)(iii)(B) (‘It is an abusive telemarketing act or practice and a violation of  
24 this Rule for a telemarketer to . . . initiat[e] any outbound telephone call to a  
25 person when . . . [t]hat person’s telephone number is on the “do-not-call”  
26 registry, maintained by the Commission.’)...Private suits can seek either  
27

1 monetary or injunctive relief. *Id.*... This private cause of action is a straightforward  
2 provision designed to achieve a straightforward result. Congress enacted the law  
3 to protect against invasions of privacy that were harming people. The law  
4 empowers each person to protect his own personal rights. Violations of the law  
5 are clear, as is the remedy. Put simply, the TCPA affords relief to those persons  
6 who, despite efforts to avoid it, have suffered an intrusion upon their domestic  
7 peace.” *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643, 649-50 (4th Cir.  
8 2019).

9         5. This case involves a campaign by Jared’s Leads, Inc. (“Jared’s”) to  
10 market debt consolidation and settlement services, which are leads it offers its  
11 clients, through the use of pre-recorded telemarketing calls and to numbers on the  
12 National Do Not Call Registry in plain violation of the TCPA.

13         6. Because these calls were transmitted using technology capable of  
14 generating thousands of similar calls per day, Plaintiff sues on behalf of a  
15 proposed nationwide class of other persons who received similar calls.

16         7. A class action is the best means of obtaining redress for the  
17 Defendant’ illegal telemarketing and is consistent both with the private right of  
18 action afforded by the TCPA and the fairness and efficiency goals of Rule 23 of  
19 the Federal Rules of Civil Procedure.

## 20                                 **II. JURISDICTION AND VENUE**

21         8. This Court has federal question subject matter jurisdiction over this  
22 action under 28 U.S.C. § 1331, as the action arises under the Telephone  
23 Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

24         9. This Court has personal jurisdiction over Jared’s Leads because it  
25 resides in this District, including making telemarketing calls from this District  
26 and soliciting business from this District.

10. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claim occurred from this district, namely the telemarketing calls to the Plaintiff.

### III. PARTIES

11. Plaintiff Dianne Sullivan is a citizen of Washington, residing in this District.

12. Defendant Jared's Leads, Inc. is a California corporation with a principal place of business of 30765 Pacific Coast Highway, Number 241, in Malibu, California and a registered agent of Jared Knapp at 5184 Benedict Court, Oak Park, California 91337.

### IV. TCPA BACKGROUND

#### Calls Made Using a Pre-Recorded Message

13. The TCPA regulates, among other things, the use of a pre-recorded message to make calls or send pre-recorded calls. *See* 47 U.S.C. § 227, *et seq.*; *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order*, 18 FCC Rcd. 14014, 14115 ¶ 165 (2003).

14. Specifically, the TCPA prohibits the use of a pre-recorded message to a wireless number in the absence of an emergency or the prior express written consent of the called party. *See* 47 U.S.C. § 227(b)(1)(A)(iii); 47 C.F.R. § 64.1200(a)(2); *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, 27 F.C.C. Rcd. 1830, 1831 (F.C.C. 2012).

15. "[T]elemarketing means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person." 47 C.F.R. § 64.1200(f)(12).

1           16. “[P]rior express written consent means an agreement, in writing,  
2 bearing the signature of the person called that clearly authorizes the seller to  
3 deliver or cause to be delivered to the person called advertisements or  
4 telemarketing messages using an automatic telephone dialing system or an  
5 artificial or prerecorded voice, and the telephone number to which the signatory  
6 authorizes such advertisements or telemarketing messages to be  
7 delivered.” 47 C.F.R. § 64.1200(f)(8).

8  
9 The National Do Not Call Registry

10           17. The National Do Not Call Registry allows consumers to register  
11 their telephone numbers and thereby indicate their desire not to receive telephone  
12 solicitations at those numbers. *See* 47 C.F.R. § 64.1200(c)(2).

13           18. A listing on the Registry “must be honored indefinitely, or until the  
14 registration is cancelled by the consumer or the telephone number is removed by  
15 the database administrator.” *Id.*

16           19. The TCPA and implementing regulations prohibit the initiation of  
17 telephone solicitations to residential telephone subscribers to the Registry and  
18 provides a private right of action against any entity that makes those calls, or “on  
19 whose behalf” such calls are promoted. 47 U.S.C. § 227(c)(5); 47 C.F.R.  
20 § 64.1200(c)(2).

21  
22 **V. FACTUAL ALLEGATIONS**

23 **A. Factual Allegations Regarding Jared’s**

24           20. Jared’s Leads is a company that seeks debt consolidation leads to  
25 sell to its clients.

26           21. Those clients include Americor Funding  
27

1           22. To generate business, Jared's Leads relies on telemarketing.

2           23. Those telemarketing calls violate the TCPA when they are made to  
3 residential consumers on the National Do Not Call Registry or with pre-recorded  
4 messages to cellular telephones.

5 **B. Factual Allegations Regarding Plaintiff**

6           24. Plaintiff is, and at all times mentioned herein was, a "person" as  
7 defined by 47 U.S.C. § 153(39).

8           25. Plaintiff's telephone number, (509) XXX-5195, is a non-commercial  
9 telephone number not associated with any business.

10          26. Plaintiff's telephone number, (509) XXX-5195, is used for personal  
11 residential purposes.

12          27. Plaintiff's telephone number, (509) XXX-5195, has been listed on  
13 the National Do Not Call Registry since 2009.

14          28. Plaintiff has never been a Jared's Leads customer and never  
15 consented to receive calls from Jared's Leads.

16          29. Despite that, Ms. Sullivan received pre-recorded telemarketing calls  
17 from the Defendant on at least April 20, 24, June 1, 13 and June 15, 2023.

18          30. The calls that were answered played a pre-recorded message at the  
19 beginning of the call that mentioned debt consolidation.

20          31. The pre-recorded message did not identify the caller.

21          32. The call was clearly pre-recorded because (a) there was a pause  
22 before the recording played and the robot started speaking (b) the robot had a  
23 generic monotone voice.

24          33. The calls all came from the Caller IDs (509) 236-6571 and (509)  
25 236-6576.

1           34. Other individuals have complained about getting robocalls from the  
2 same or similar Caller IDs. *See* <https://lookup.robokiller.com/p/509-236-6571>

3           35. The Plaintiff rejected the first call.

4           36. The Plaintiff answered the second call, heard the pre-recorded  
5 message and then responded to inform the caller that she was not interested.

6           37. Yet, the Defendant made the third call.

7           38. During the third call, the Plaintiff stayed on the phone long enough  
8 to speak to have the caller, who did not identify their company, transfer the call  
9 to Zach Barrett, who identified himself as an employee with Americor.

10          39. Americor identified Jared's Leads as the company that sent it the  
11 call to Zach Barrett.

12          40. Jared's Leads has previously received complaints about its  
13 telemarketing conduct that is alleged to violate the TCPA.

14          41. Indeed, Jared's Leads has previously been named in a lawsuit  
15 alleging violations of the TCPA.

16          42. Plaintiff and all members of the Class, defined below, have been  
17 harmed by the acts of Defendant because their privacy has been violated and they  
18 were annoyed and harassed. Plaintiff and the Class Members were also harmed  
19 by use of their telephone power and network bandwidth and the intrusion on their  
20 telephone that occupied it from receiving legitimate communications.

## 21                                   **VI. CLASS ACTION ALLEGATIONS**

22          43. Plaintiff incorporates by reference all other paragraphs of this  
23 Complaint as if fully stated herein

24          44. Plaintiff brings this action on behalf of herself and the following  
25 classes (the "Classes") pursuant to Federal Rule of Civil Procedure 23.  
26  
27

1           45. Plaintiff proposes the following Class definitions, subject to  
2 amendment as appropriate:

3           **Pre-Record Class:** All persons in the United States who, (1) within  
4 four years prior to the commencement of this litigation until the class  
5 is certified (2) received one or more calls on their cellular telephone  
6 (3) from or on behalf of Jared's Leads, (4) sent using the same, or  
substantially similar, pre-recorded message used to contact the  
Plaintiff.

7           **National Do Not Call Registry:** All persons in the United States  
8 whose, (1) telephone numbers were on the National Do Not Call  
9 Registry for at least 30 days, (2) but received more than one telephone  
10 solicitation telemarketing call from or on behalf of Jared's Leads (3)  
11 within a 12-month period, (4) from four years prior the filing of the  
Complaint.

12           46. Excluded from the Classes are counsel, the Defendant, and any  
13 entities in which the Defendant has a controlling interest, the Defendant's agents  
14 and employees, any judge to whom this action is assigned, and any member of  
15 such judge's staff and immediate family.

16           47. The Plaintiff is a member of and will fairly and adequately represent  
17 and protect the interests of these Classes as she has no interests that conflict with  
18 any of the class member

19           48. Plaintiff and all members of the Classes have been harmed by the  
20 acts of the Defendant, including, but not limited to, the invasion of their privacy,  
21 annoyance, waste of time, the use of their cell phone battery, and the intrusion on  
22 their cellular telephone that occupied it from receiving legitimate  
23 communications.

24           49. This Class Action Complaint seeks injunctive relief and money  
25 damages.  
26  
27



1           50.     The Classes as defined above are identifiable through dialer records,  
2 other phone records, and phone number databases.

3           51.     Plaintiff does not know the exact number of members in the Classes,  
4 but Plaintiff reasonably believes Class members number, at minimum, in the  
5 hundreds in each class.

6           52.     The joinder of all Class members is impracticable due to the size and  
7 relatively modest value of each individual claim.

8           53.     Additionally, the disposition of the claims in a class action will  
9 provide substantial benefit to the parties and the Court in avoiding a multiplicity  
10 of identical suits.

11          54.     There are well defined, nearly identical, questions of law and fact  
12 affecting all parties. The questions of law and fact, referred to above, involving  
13 the class claims predominate over questions which may affect individual Class  
14 members.

15          55.     There are numerous questions of law and fact common to Plaintiff  
16 and to the proposed Classes, including but not limited to the following:

- 17                   a. whether a pre-recorded message was used to send calls;  
18  
19                   b. whether multiple telemarketing telephone calls were made  
20                     promoting the goods or services to members of the National Do  
21                     Not Call Registry Class;  
22  
23                   c. whether the telemarketing calls at issue were made to Plaintiff  
24                     and members of the Classes without first obtaining prior express  
25                     written consent to make the call;  
26  
27                   d. whether Defendant' conduct constitutes a violation of the TCPA;  
                    and

1 e. whether members of the Classes are entitled to treble damages  
2 based on the willfulness of Defendant' conduct.

3 56. The likelihood that individual members of the Classes will prosecute  
4 separate actions is remote due to the time and expense necessary to prosecute an  
5 individual case.

6 **FIRST CAUSE OF ACTION**

7 **Statutory Violations of the Telephone Consumer Protection Act**  
8 **(47 U.S.C. 227, et seq.) on behalf of the Robocall Classes**

9 57. Plaintiff incorporates by reference the foregoing allegations as if  
10 fully set forth herein.

11 58. The Defendant violated the TCPA by or causing to be sent via pre-  
12 recorded calls to the cellular telephones of Plaintiff and members of the Robocall  
13 Class using a pre-recorded message without their prior express written consent.

14 59. As a result of Defendant's violations of 47 U.S.C. § 227 *et seq.*,  
15 Plaintiff and Robocall Class members are entitled to an award of \$500 in  
16 statutory damages for each and every violation of the statute, pursuant to 47  
17 U.S.C. § 227(b)(3)(B).

18 60. The Plaintiff and Robocall Class Members are entitled to an award  
19 of treble damages if their actions are found to have been knowing or willful.

20 61. Plaintiff and Robocall Class members are also entitled to and do  
21 seek injunctive relief prohibiting Jared's Lead's from using a pre-recorded voice  
22 in the future, except for emergency purposes.

23 **SECOND CAUSE OF ACTION**

24 **Violation of the Telephone Consumer Protection Act**  
25 **(47 U.S.C. 227, et seq. and 47 C.F.R. §§ 64.1200(d))**  
26 **on behalf of the National Do Not Call Registry Classes**  
27

1           62. Plaintiff incorporates by reference the allegations in paragraphs 1-56  
2 as if fully set forth herein.

3           63. The Defendant violated the TCPA and the Regulations by making  
4 two or more telemarketing calls within a 12-month period to Plaintiff and the  
5 members of the National Do Not Call Registry Class while those persons' phone  
6 numbers were registered on the National Do Not Call Registry.

7           64. As a result of Defendant's violations of 47 U.S.C. § 227 *et seq.*,  
8 Plaintiff and National Do Not Call Registry Class members are entitled to an  
9 award of up to \$500 in statutory damages for each and every violation of the  
10 statute, pursuant to 47 U.S.C. § 227(c)(5).

11           65. Plaintiff and Class Members are entitled to an award of treble  
12 damages if their actions are found to have been knowing or willful.

13           66. Plaintiff and National Do Not Call Registry Class members are also  
14 entitled to and do seek injunctive relief prohibiting Jared's Leads from  
15 advertising their goods or services, except for emergency purposes, to any  
16 number on the National Do Not Call Registry in the future.

17  
18                           **PRAYER FOR RELIEF**

19           **WHEREFORE**, Plaintiff, individually and on behalf of the Classes, prays  
20 for the following relief:

21           A. Injunctive relief prohibiting Jared's Lead's from calling telephone  
22 numbers advertising their goods or services, except for emergency  
23 purposes, to any number on the National Do Not Call Registry or to any  
24 cellular telephone numbers using a prerecorded voice in the future;  
25  
26  
27

1 B. As a result of Defendant's violations of the TCPA, Plaintiff seeks  
2 for himself and each member of up to treble damages, as provided by  
3 statute, of \$1,500 for each and every violation of the TCPA;

4  
5 C. An order certifying this action to be a proper class action pursuant to  
6 Federal Rule of Civil Procedure 23, establishing an appropriate Classes the  
7 Court deems appropriate, finding that Plaintiff is a proper representative of  
8 the Class, and appointing the lawyers and law firms representing Plaintiff  
9 as counsel for the Class;  
10

11 D. Such other relief as the Court deems just and proper.  
12

13 **JURY DEMAND**

14 Plaintiff requests a jury trial as to all claims of the complaint so triable.

15 Dated: December 21, 2023 PLAINTIFF, individually and on behalf of all  
16 others similarly situated,

17  
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